

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7574

BILL NUMBER: HB 1986

NOTE PREPARED: Jan 21, 2003

BILL AMENDED:

SUBJECT: Appointment of Judges.

FIRST AUTHOR: Rep. Orentlicher

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides for the merit selection of the judges of superior and county courts. It repeals laws creating judicial nominating commissions in Allen, Lake, and St. Joseph counties.

Effective Date: July 1, 2003.

Explanation of State Expenditures: This bill would affect the work loads of both the Supreme Court and the Court of Appeals and the Governor's office.

Supreme Court and Court of Appeals: This bill will increase the workload for Supreme Court justices and Court of Appeals judges because either a Supreme Court justice or a judge on the Court of Appeals must be included in each judicial nominating commission. If these responsibilities are divided evenly, each judge or justice would be responsible for between three and four county judicial nominating commissions. Currently, 74 counties have superior court and county court judges, and 5 justices sit on the Supreme Court and 16 judges on the Courts of Appeal and the Tax Court,

Governor's Office: For each judicial vacancy, the judicial nominating commission must certify the names of candidates to the Governor within 60 days from the time the vacancy occurs. Within 60 days, the Governor must fill the vacancy by appointment from the list submitted by the commission.

Explanation of State Revenues:

Explanation of Local Expenditures: In each county, a judicial nominating commission would be established. Each commission would include a justice of the Supreme Court or a judge of the Court of

Appeals appointed by the Chief Justice of the Supreme Court. The selection process of judges for 215 courts in 74 counties would be changed by eliminating the election of judges and substituting a judicial nominating commission.

Eighteen counties would not be affected by this bill. Monroe and Delaware Counties both have unified circuit court systems, and 16 other counties only have a circuit court.

For the 74 other counties, this bill may reduce printing expenses involved in preparing ballots for the election of judges of the superior, probate, and county courts. However, these cost savings would be offset by the requirement that these judges must face a retention vote every six years. Election and retention vote expenses are paid from each county's general fund.

The seven-member judicial nominating commission in each county would require the facilities, supplies, equipment, and services necessary for the administration of the commission be provided by each county. The members of the commissions are not to be compensated, but are reimbursed for actual expenses incurred in the performance of their duties.

Explanation of Local Revenues:

State Agencies Affected: Office of the Governor; Supreme Court; Appellate Court; Division of State Court Administration.

Local Agencies Affected: Clerks; Election Boards; superior, county, small claims, and probate courts.

Information Sources: *2001 Indiana Judicial Report.*

Fiscal Analyst: Mark Goodpaster, 317-232-9852